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November 3, 2009

The Honorable Sterling Johnson  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

RE: USA v. Thomas Archer and Rukhsana Rafique  
08-MJ-184 (LB)

Dear Judge Johnson:

This letter is being written in opposition to the Government's request to qualify special agent Mulone as their expert witness.

The Government's attempt to disqualify the Defendant's counsel on the eve of trial and cause a delay of the scheduled trial proceedings is prejudicial to the Defendant's right to counsel pursuant to the New York State and United States Consitution. The two proffer sessions that the Government allege are the basis for the potential conflict of interest took place in March, 2008, twenty months ago, yet the Government waited until two weeks before the scheduled trial date to raise the issue. The Defense believes that one of the reasons why the Government is alleging the potential conflict of interest at this late juncture is because upon information and belief the Government is violating its proffer agreement by using in their case in chief what the Defense believes is information gathered during the proffer session; and the Government's concealment of exculpatory information.

Wherefore, it is respectfully requested that the Court deny the Government's request for a hearing.

Very truly yours,

  
KARINA E. ALOMAR